

81ST CONGRESS
1ST SESSION

S. 247

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1949

Referred to the Committee on Interstate and Foreign Commerce

AN ACT

To promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Science Foun-
4 dation Act of 1949".

5 ESTABLISHMENT OF NATIONAL SCIENCE FOUNDATION

6 SEC. 2. There is hereby established in the executive
7 branch of the Government an independent agency to be
8 known as the National Science Foundation (hereinafter
9 referred to as the "Foundation").

1 MEMBERSHIP OF FOUNDATION

2 SEC. 3. (a) The Foundation shall have twenty-four
3 members to be appointed by the President, by and with
4 the advice and consent of the Senate. The persons nom-
5 inated for appointment as members (1) shall be eminent
6 in the fields of the basic sciences, medical science,
7 engineering, education, or public affairs; (2) shall be
8 selected solely on the basis of established records of
9 distinguished service; and (3) shall be so selected as
10 to provide representation of the views of scientific leaders
11 in all areas of the Nation. The President is requested, in
12 the making of nominations of persons for appointment as
13 members, to give due consideration to any recommendations
14 for nomination which may be submitted to him by the
15 National Academy of Sciences, Association of Land Grant
16 Colleges and Universities, the National Association of State
17 Universities, Association of American Colleges, or by other
18 scientific or educational organizations.

19 (b) The term of office of each member of the Founda-
20 tion shall be six years, except that (1) any member ap-
21 pointed to fill a vacancy occurring prior to the expiration
22 of the term for which his predecessor was appointed shall
23 be appointed for the remainder of such term; and (2) the
24 terms of office of the members first taking office after the
25 date of enactment of this Act shall expire, as designated

1 by the President at the time of appointment, eight at the
2 end of two years, eight at the end of four years, eight at
3 the end of six years, after the date of enactment of this
4 Act. Any person who has been a member of the Founda-
5 tion for twelve consecutive years shall thereafter be ineligible
6 for appointment during the two-year period following the
7 expiration of such twelfth year.

8 (c) The President shall call the first meeting of the
9 members of the Foundation, at which the first order of
10 business shall be the election of a chairman and a vice
11 chairman.

12 POWERS AND DUTIES OF THE FOUNDATION

13 SEC. 4. (a) The Foundation is authorized and directed—

14 (1) to develop and encourage the pursuit of a na-
15 tional policy for the promotion of basic research and edu-
16 cation in the sciences;

17 (2) to initiate and support basic scientific research
18 in the mathematical, physical, medical, biological, engi-
19 neering, and other sciences, by making contracts or other
20 arrangements (including grants, loans, and other forms
21 of assistance) for the conduct of such basic scientific
22 research and to appraise the impact of research upon
23 industrial development and upon the general welfare;

24 (3) after consultation with the Secretary of De-
25 fense, to initiate and support scientific research in con-

1 nection with matters relating to the national defense
2 by making contracts or other arrangements (including
3 grants, loans, and other forms of assistance) for the
4 conduct of such scientific research;

5 (4) to grant scholarships and graduate fellowships
6 in the mathematical, physical, medical, biological, engi-
7 neering, and other sciences;

8 (5) to foster the interchange of scientific informa-
9 tion among scientists in the United States and foreign
10 countries;

11 (6) to correlate the Foundation's scientific research
12 programs with those undertaken by individuals and by
13 public and private research groups; and

14 (7) to establish such special commissions as the
15 Foundation may from time to time deem necessary
16 for the purposes of this Act.

17 (b) In exercising the authority and discharging the
18 functions referred to in subsection (a) of this section, it
19 shall be the objective of the Foundation to achieve the
20 results of scientific research in the most efficient manner
21 possible and to strengthen basic research and education in
22 the sciences, including independent research by individuals,
23 throughout the United States, including its Territories and
24 possessions, and to avoid undue concentration of such re-
25 search and education.

1 (c) The members of the Foundation shall meet
2 annually on the first Monday in December and at such other
3 times as the Chairman may determine, but he shall also
4 call a meeting whenever one-third of the members so request
5 in writing. A majority of the members of the Foundation
6 shall constitute a quorum. Each member shall be given
7 notice, by registered mail mailed to his last-known address
8 of record not less than fifteen days prior to any meeting,
9 of the call of such meeting.

10 (d) The first Chairman and Vice Chairman of the
11 Foundation shall be elected by the Foundation to serve
12 until the first Monday in December next succeeding the
13 date of election at which time a Chairman and Vice Chair-
14 man shall be elected for a term of two years. Thereafter
15 such election shall take place at the annual meeting occur-
16 ring at the end of each such term. The Vice Chairman
17 shall perform the duties of the Chairman in his absence. In
18 case a vacancy occurs in the chairmanship or vice chairman-
19 ship, the Foundation shall elect a member to fill such
20 vacancy.

21 (e) The Foundation is authorized to appoint from
22 among its members, an Executive Committee and from time
23 to time to appoint from among its members or otherwise,
24 such other committees as it deems necessary and to assign
25 to such Executive Committee or other committees such

1 powers and functions as it deems appropriate for the pur-
2 poses of this Act.

3 (f) The Foundation shall render an annual report
4 to the President for submission on or before the 15th day
5 of January to the Congress, summarizing the activities of
6 the Foundation and making such recommendations as it
7 may deem appropriate.

8 DIRECTOR OF FOUNDATION

9 SEC. 5. There shall be a Director of the Foundation
10 who shall be appointed by the President by and with the
11 advice and consent of the Senate, after the members of the
12 Foundation have been appointed and qualified. He shall
13 serve as an ex officio member of the Foundation. In addition
14 thereto he shall be the chief executive officer of the Founda-
15 tion. The Director shall receive compensation at the rate
16 of \$15,000 per annum and shall serve for a term of six years
17 unless sooner removed by the President.

18 DIVISIONS WITHIN THE FOUNDATION

19 SEC. 6. (a) Until otherwise provided by the Founda-
20 tion there shall be within the Foundation the following
21 divisions:

22 (1) A Division of Medical Research;

23 (2) A Division of Mathematical, Physical, and En-
24 gineering Sciences;

25 (3) A Division of Biological Sciences; and

1 (4) A Division of Scientific Personnel and Education,
2 which shall be concerned with programs of the Foundation
3 relating to the granting of scholarships and graduate fellow-
4 ships in the mathematical, physical, medical, biological, en-
5 gineering, and other sciences.

6 (b) There shall also be within the Foundation such
7 other divisions as the Foundation may, from time to time,
8 deem necessary.

9 DIVISIONAL COMMITTEES

10 SEC. 7. (a) There shall be a committee for each divi-
11 sion of the Foundation.

12 (b) Each divisional committee shall be appointed by
13 the Foundation and shall consist of not less than five persons
14 who may be members or nonmembers of the Foundation.

15 (c) The terms of members of each divisional com-
16 mittee shall be two years. Each divisional committee shall
17 annually elect its own chairman from among its own mem-
18 bers, and shall prescribe its own rules of procedure, subject
19 to such restrictions as may be prescribed by the Foundation.

20 (d) Each divisional committee shall make recom-
21 mendations to, and advise and consult with, the Foundation
22 and the Director with respect to matters relating to the
23 program of its division.

24 SPECIAL COMMISSIONS

25 SEC. 8. (a) Each special commission established by

1 the Foundation pursuant to section 4 (a) (7) shall consist
2 of eleven members appointed by the Foundation, six of
3 whom shall be eminent scientists and five of whom shall be
4 persons other than scientists. Each special commission shall
5 choose its own chairman and vice chairman.

6 (b) It shall be the duty of each such special commis-
7 sion to make a comprehensive survey of research, both
8 public and private, being carried on in its field, and to
9 formulate and recommend to the Foundation, at the earliest
10 practicable date, an over-all research program in its field.

11 SCHOLARSHIPS AND GRADUATE FELLOWSHIPS; REGISTER
12 OF SCIENTIFIC PERSONNEL

13 SEC. 9. (a) The Director, with the approval of the
14 Foundation, is authorized to award, within the limits of funds
15 made available pursuant to section 13, scholarships and
16 graduate fellowships for scientific study or scientific work in
17 the mathematical, physical, medical, biological, engineering,
18 and other sciences at accredited nonprofit American or non-
19 profit foreign institutions of higher education, selected by
20 the recipient of such aid, for stated periods of time. Persons
21 shall be selected for such scholarships and fellowships from
22 among citizens of the United States, and such selections shall
23 be made solely on the basis of ability; but in any case in
24 which two or more applicants for scholarships or fellowships,
25 as the case may be, are deemed by the Director and

1 the Foundation to be possessed of substantially equal
2 ability, and there are not sufficient scholarships or fellowships,
3 as the case may be, available to grant one to each of such
4 applicants, the available scholarship or scholarships or
5 fellowship or fellowships shall be awarded to the applicants
6 in such manner as will tend to result in a wide distribution
7 of scholarships and fellowships among the States, Territories,
8 possessions, and the District of Columbia.

9 (b) The Foundation shall maintain a register of sci-
10 entific and technical personnel and in other ways provide a
11 central clearinghouse for information covering all scientific
12 and technical personnel in the United States and its
13 possessions.

14 AUTHORITY OF FOUNDATION

15 SEC. 10. The Foundation is empowered to do all things
16 necessary to carry out the provisions of this Act, and with-
17 out being limited thereby, the Foundation is specifically
18 authorized—

19 (a) to prescribe such rules and regulations as
20 it deems necessary governing the manner of its opera-
21 tions and its organization and personnel;

22 (b) to make such expenditures as may be necessary
23 for administering the provisions of this Act;

24 (c) to enter into contracts or other arrangements,

1 or modifications thereof, for the carrying on, by organ-
2 izations or individuals in the United States and foreign
3 countries, including other government agencies of the
4 United States and of foreign countries (without legal
5 consideration, without performance or other bonds, and
6 without regard to section 3709 of the Revised Statutes),
7 of such basic scientific research activities as the Founda-
8 tion deems necessary to carry out the purposes of this
9 Act;

10 (d) to make advance, progress, and other pay-
11 ments which relate to scientific research without regard
12 to the provisions of section 3648 of the Revised Statutes
13 (31 U. S. C., sec. 529) ;

14 (e) to acquire by purchase, lease, loan, or gift,
15 and to hold and dispose of by sale, lease, or loan, real
16 and personal property of all kinds necessary for, or re-
17 sulting from, scientific research;

18 (f) to receive and use funds donated by others,
19 if such funds are donated, without restriction, other than
20 that they be used in furtherance of one or more of the
21 general purposes of the Foundation;

22 (g) to publish or arrange for the publication of
23 scientific and technical information so as to further
24 the full dissemination of information of scientific value
25 consistent with the national interest, without regard to

1 the provisions of section 87 of the Act of January 12,
2 1895 (28 Stat. 622), and section 11 of the Act of
3 March 1, 1919 (40 Stat. 1270; 44 U. S. C., sec. 111) :

4 (h) to accept and utilize the services of volun-
5 tary and uncompensated personnel and to pay the actual
6 and necessary traveling and subsistence expenses (in-
7 cluding, in lieu of subsistence, per diem allowances at
8 a rate not in excess of \$10 for such personnel incurred
9 in the course of such services) ; and

10 (i) to prescribe, with the approval of the Comp-
11 troller General of the United States, the extent to
12 which vouchers for funds expended under contracts for
13 scientific research shall be subject to itemization or sub-
14 stantiation prior to payment, without regard to the limi-
15 tations of other laws relating to the expenditure of
16 public funds and accounting therefor.

17 PATENT RIGHTS

18 SEC. 11. (a) Each contract or other arrangement exe-
19 cuted pursuant to this Act which relates to scientific research
20 shall contain provisions governing the disposition of inven-
21 tions produced thereunder in a manner calculated to protect
22 the public interest and the equities of the individual or
23 organization with which the contract or other arrangement
24 is executed: *Provided, however,* That nothing in this Act
25 shall be construed to authorize the Foundation, by any con-

1 tractual or other arrangement, to alter or modify any pro-
2 vision of law affecting the issuance or use of patents.

3 (b) No officer or employee of the Foundation shall
4 acquire, retain, or transfer any rights, under the patent laws
5 of the United States or otherwise, in any invention which
6 he may make or produce in connection with performing his
7 assigned activities and which is directly related to the subject
8 matter thereof: *Provided, however,* That this subsection
9 shall not be construed to prevent any officer or employee of
10 the Foundation from executing any application for patent
11 on any such invention for the purpose of assigning the same
12 to the Government or its nominee in accordance with such
13 rules and regulations as the Director may establish.

14 INTERNATIONAL COOPERATION

15 SEC. 12. (a) The Foundation is hereby authorized
16 to cooperate in any international scientific research activities
17 consistent with the purposes of this Act and to expend for
18 such international scientific research activities such sums
19 within the limit of appropriated funds as the Foundation may
20 deem desirable.

21 (b) The Director, with the approval of the Founda-
22 tion, may defray the expenses of representatives of Gov-
23 ernment agencies and other organizations and of individual
24 scientists to accredited international scientific congresses and

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1 meetings whenever he deems it necessary in the promotion
2 of the objectives of this Act.

3 APPROPRIATIONS

4 SEC. 13. (a) To enable the Foundation to carry out
5 its powers and duties, there is hereby authorized to be
6 appropriated annually to the Foundation, out of any money
7 in the Treasury not otherwise appropriated, such sums as
8 may be necessary to carry out the provisions of this Act.

9 (b) The funds hereafter appropriated to the Founda-
10 tion, as herein authorized, shall, if obligated during the fiscal
11 year for which appropriated, remain available for expendi-
12 ture for four years following the expiration of the fiscal year
13 for which appropriated. After such four-year period, the
14 unexpended balances of appropriations shall be carried to
15 the surplus fund and covered into the Treasury.

16 GENERAL PROVISIONS

17 SEC. 14. (a) The Director shall, in accordance with
18 such policies as the Foundation shall from time to time
19 prescribe, appoint and fix the compensation of such per-
20 sonnel as may be necessary to carry out the provisions of
21 this Act. Such appointments shall be made and such com-
22 pensation shall be fixed in accordance with the provisions
23 of the civil-service laws and regulations and the Classification
24 Act of 1923, as amended: *Provided*, That the Director

1 may in accordance with such policies as the Foundation shall
2 from time to time prescribe, employ such technical and
3 professional personnel and fix their compensation, with-
4 out regard to such laws, as he may deem necessary
5 for the discharge of the responsibilities of the Founda-
6 tion under this Act. The Deputy Director herein-
7 after provided for, and the members of the divisional
8 committees, and special commissions, shall be appointed with-
9 out regard to the civil-service laws or regulations. Neither
10 the Director nor the Deputy Director shall engage in any
11 other business, vocation, or employment than that of serving
12 as such Director or Deputy Director, as the case may be;
13 nor shall the Director or Deputy Director, except with the
14 approval of the Foundation, hold any office in, or act in
15 any capacity for, any organization, agency, or institution
16 with which the Foundation makes any contract or other
17 arrangement under this Act.

18 (b) The Director may appoint, with the approval of
19 the Foundation, a Deputy Director who shall perform such
20 functions as the Director, with the approval of the Founda-
21 tion, may prescribe and shall be Acting Director during
22 the absence or disability of the Director or in the event of
23 a vacancy in the Office of the Director, and who shall receive
24 compensation at a rate not to exceed \$12,000 per annum.

1 (c) The Foundation shall not, itself, operate any labora-
2 tories or pilot plants.

3 (d) The members of the Foundation, and the members
4 of each divisional committee, or special commission, shall
5 receive compensation at the rate of \$25 for each day
6 engaged in the business of the Foundation pursuant to
7 authorization of the Foundation, and shall be allowed actual
8 and necessary traveling and subsistence expenses (including,
9 in lieu of subsistence, per diem allowances at a rate not in
10 excess of \$10) when engaged, away from home, in the
11 duties of their offices.

12 (e) Persons holding other offices in the executive
13 branch of the Federal Government may serve as members of
14 the divisional committees, and special commissions, but they
15 shall not receive remuneration for their services as such
16 members during any period for which they receive com-
17 pensation for their services in such other offices.

18 (f) Service of an individual as a member of the Founda-
19 tion, of a divisional committee, or of a special commission
20 shall not be considered as service bringing him within the
21 provisions of section 109 or section 113 of the Criminal
22 Code (U. S. C., 1940 edition, title 18, secs. 198 and 203)
23 or section 19 (e) of the Contract Settlement Act of
24 1944, unless the act of such individual, which by such

1 section is made unlawful when performed by an individual
2 referred to in such section, is with respect to any particular
3 matter which directly involves the Foundation or in which
4 the Foundation is directly interested.

5 (g) In making contracts or other arrangements for
6 scientific research, the Foundation shall utilize appropria-
7 tions available therefor in such manner as will in its discre-
8 tion best realize the objectives of (1) having the work
9 performed by organizations, agencies, and institutions, or
10 individuals in the United States or foreign countries, includ-
11 ing Government agencies of the United States and of foreign
12 countries, qualified by training and experience to achieve the
13 results desired, (2) strengthening the research staff of organ-
14 izations, particularly nonprofit organizations, in the States
15 and Territories and the District of Columbia, and (3) aiding
16 institutions, agencies or organizations which, if aided, will
17 advance basic research, and (4) encouraging independent
18 basic research by individuals.

19 (h) The activities of the Foundation shall be con-
20 strued as supplementing and not superseding, curtailing, or
21 limiting any of the functions or activities of other Govern-
22 ment agencies authorized to engage in scientific research or
23 development.

24 (i) Funds available to any department or agency of

1 the Government for scientific or technical research, or the
2 provision of facilities therefor, shall be available for transfer,
3 with the approval of the head of the department or agency
4 involved, in whole or in part, to the Foundation for such use
5 as is consistent with the purposes for which such funds were
6 provided, and funds so transferred shall be expendable by
7 the Foundation for the purposes for which the transfer was
8 made, and, until such time as an appropriation is made avail-
9 able directly to the Foundation, for general administrative
10 expenses of the Foundation without regard to limitations
11 otherwise applicable to such funds.

12 (j) The National Roster of Scientific and Specialized
13 Personnel shall be transferred from the Department of
14 Labor to the Foundation, together with such of the per-
15 sonnel, records, property, and balances of appropriations as
16 have been utilized or are available for use in the adminis-
17 tration of such roster as may be determined by the President.
18 The transfer provided for in this subsection shall take effect
19 at such time or times as the President shall direct.

20 (k) The Foundation shall not support any research
21 or development activity in the field of atomic energy, nor
22 shall it exercise any authority pursuant to section 10 (e)
23 in respect to that field, without first having obtained the
24 concurrence of the Atomic Energy Commission that such

1 activity will not adversely affect the common defense and
2 security. Nothing in this Act shall supersede or modify
3 any provision of the Atomic Energy Act of 1946.

4 (1) The Foundation, after consultation with the Secre-
5 tary of Defense, shall establish regulations and procedures
6 for the security classification of information or property
7 (having military significance) in connection with scientific
8 research under this Act, and for the proper safeguarding of
9 any information or property so classified.

10 COORDINATION WITH FOREIGN POLICY

11 SEC. 15. (a) The authority to enter into contracts or
12 other arrangements with organizations or individuals in for-
13 eign countries and with agencies of foreign countries, as pro-
14 vided in section 10 (c), and the authority to cooperate in
15 international scientific research activities as provided in sec-
16 tion 12 (a), shall be exercised in such manner as is con-
17 sistent with the foreign policy objectives of the United States
18 as determined by the Secretary of State after consultation
19 with the Director.

20 (b) If, in the exercise of the authority referred to in
21 subsection (a) to carry out the purposes of this Act, negotia-
22 tion with foreign countries or agencies thereof becomes neces-

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- 1 sary, such negotiation shall be carried on by the Secretary
- 2 of State in consultation with the Director.

Passed the Senate March 18, 1949.

Attest:

LESLIE L. BIFFLE,

Secretary.

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